

APPLICATION FOR REVIEW OF A PREMISES LICENCE - THE JARNA RESTAURANT, 1 OLD MILTON GREEN PARADE, NEW MILTON, BH25 6QA

1. INTRODUCTION

- 1.1 The purpose of this report is to consider an application for the review of a premises licence under Section 51 of the Licensing Act 2003.

2. APPLICATION

- 2.1 Hampshire Constabulary has made an application for the review of The Jarna Restaurant, 1 Old Milton Green Parade, New Milton, BH25 6QA. The application is attached as **Appendix 1**.

3. REPRESENTATIONS

- 3.1 No additional representations have been made.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to consider the review application.
- 4.2 The relevant sections of the Home Office guidance issued under Section 182 of the Licensing Act 2003 are attached as **Appendix 2**.

5. CONCLUSION

- 5.1 Members must, having regard to the application, consider which of the following measures are appropriate for the promotion of the licensing objectives:
- 5.2
- To modify the conditions of the licence;
 - To exclude a licensable activity from the scope of the licence;
 - To remove the designated premises supervisor;
 - To suspend the licence for a period not exceeding three months;
 - To revoke the licence;
 - To take no further action in this matter.

6. RECOMMENDATION

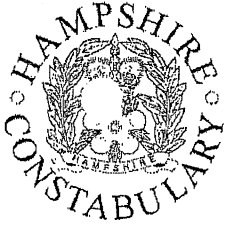
- 6.1 That the Licensing Sub-Committee determines the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

Appendix 1 - S51 Review Application
Appendix 2 - Home Office Guidance



New Forest District Council
Licensing Department
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Our ref:
Your ref:

Hampshire Constabulary
Chief Constable Andy Marsh

Southampton Central Police Station
Southern Road
Southampton
Hampshire
SO15 1AN

Telephone: 0845 045 45 45

Direct dial: 023 80533368

Fax No: 08453660037

Deaf/speech impaired minicom: 01962 875000

Email: western.licensing@hampshire.pnn.police.uk

30th September 2014

Dear Sir,

On behalf of Hampshire Constabulary, I submit the following review application in relation to a premises licence for the Jarna Restaurant, 1 Old Milton Green Parade, New Milton.

As I am sure your aware your statement of licensing policy states that under the Licensing Act 2003, licensees have a duty to promote the four licensing objectives which are-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance and
- The protection of children from harm

Further to this, Section 17 of the Crime and Disorder Act 1998 imposes an obligation on every police authority and local authority to do all that it can to reasonably prevent –

- crime and disorder in its area including anti-social and other behaviour adversely affecting the local environment; and
- the misuse of drugs, alcohol and other substances in its area.

The premises is currently failing in its duty to promote the licensing objectives as outlined in the review application, therefore I submit this application to review the premises licence.

Yours faithfully,

PC 24288 Harris
Violent Crime & Licensing Department
Southampton



Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

Premises Licence Number	270/2
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Part 1 - Premises Details

Postal address of premises, or if none, ordinance survey map reference or description	
The Jarna Restaurant 1 Old Milton Green Parade New Milton Hampshire BH25 6QA	Map Ref (E): 423809.387024103 Map Ref (N): 94218.9782441133 UPRN: 100062002630
Telephone Number: 01425 614332	

Where the licence is time limited the dates
This licence is NOT time limited

Licensable activities authorised by the licence
M) Supply of Alcohol

The times the licence authorises the carrying out of licensable activities			
M) Supply of Alcohol			
Day	Start	Finish	Seasonal variations:
Mon	10:00	24:00	
Tue	10:00	24:00	
Wed	10:00	24:00	Non standard timings: Christmas Day and Good Friday - 12:00 to 23:30 hours
Thur	10:00	24:00	New Year's Eve, except on a Sunday - 10:00 to 24:00 hours New Year's Eve on a Sunday - 12:00 to 23:30 hours
Fri	10:00	24:00	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following
Sat	10:00	24:00	day (or, if there are no permitted hours on the following day, midnight on 31 December).
Sun	12:00	23:30	

The opening hours of the premises
N/A

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:
Alcohol is supplied for consumption ON premises only



Disability Helpline
01425 656096

Minicom/Text: 023 8028 5415

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Anwar Hussain
Shikdar Villa
Ashley Common Road
Ashley
New Milton
Hampshire
BH25 5AJ

Telephone:

Email:

Nur Ali
1 Lower Ashley Road
Ashley
New Milton
Hampshire
BH25 5AA

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Anwar Hussain
Shikdar Villa
Ashley Common Road
Ashley
New Milton
Hampshire
BH25 5AJ

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

432
New Forest District Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 14/07/2010

Date licence commences: 14/07/2010

Date first licence came into force: 24/11/2005



Head of Public Health & Community Safety
(Authorised Officer)

Annex 1 - Mandatory conditions

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Where licence authorises door supervision:

- (1) Each individual at the premises to carry out a security activity must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires this condition to be imposed:
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section:
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

(Additional Conditions with effect from 6 April 2010)

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(Additional Condition with effect from 1 October 2010)

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating schedule

Conditions subject to which your previous licence(s)/certificate(s) has/have been granted:

a) General – all four licensing objectives (b,c,d,e)

Restaurants ; a) intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal b) Suitable beverages other than intoxicating liquor (inc Drinking Water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

b) The prevention of crime and disorder

c) Public Safety

d) The prevention of public nuisance

e) The protection of children from harm

**Schedule of Conditions attached to a Part A Premises Licence
Embedded Restrictions transferred from the Licensing Act 1964**

ON / RESTAURANT / RESTAURANT & RESIDENTIAL LICENCES

The licensee may also provide and permit:

- a) Entertainment by way of music and singing but only by the reproduction of recorded sound (this does not permit the use of Karaoke, Disc Jockeys, Comperes etc.)
- b) The consumption of late night refreshment for a period of 30 minutes after the permitted hours as defined by the Licensing Act 1964.

**RESTAURANT LICENCE
S.94, 95 Licensing Act 1964**

Alcohol may be sold or supplied:

- a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to midnight.
- b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday from 12 noon to 11.30pm
- c) On Christmas Day from 12 noon to 11.30pm
- d) On New Year's Eve, except on a Sunday 10am to midnight
- e) On New Year's Eve on a Sunday, 12 noon to 11.30pm
- f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- g) The above restrictions do not prohibit:
 - i) During the first twenty minutes after the above hours the consumption of the alcohol on the premises
 - ii) During the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel
 - iii) During the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals
 - iv) Consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

S. 68 SUPPER HOURS CERTIFICATE

Where a supper hours certificate is in place under Section 68:

Alcohol may be sold or supplied for one hour following the end of permitted hours and on Christmas day, between 3 pm and 7 pm to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the permitted hours shall continue to apply.

Annex 3 - Conditions attached after a hearing by the licensing authority

N/A

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

Plan of Premises	
Plan/Drawing No:	
Date of Plan:	Plan approved 15/07/2005



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

I PC 24288 Harris, on behalf of the Chief Officer of Hampshire Constabulary, (Insert name of applicant)

- Apply for the review of a premises licence.
Apply for the review of a club premises certificate.
Make a representation about a premises licence/club premises certificate

Premises or Club Premises details

Postal address of premises: The Jarna Restaurant, 1 Old Milton Green Parade, New Milton, Hampshire. Postcode (if known): BH25 6QA

Name of premises licence holder or club holding club premises certificate (if known): Anwar Hussain & Nur Ali

Number of premises licence or club premises certificate (if known): 270/2

Details of responsible authority applicant

Mr Mrs Miss Ms Other title /Rank: PC. Surname: Harris, First Names: Jon. Current postal address: Southampton Central Police Station, Southern Road, Southampton. Postcode: SO15 1AN. Daytime telephone number: 02380 533368. E-mail address: (optional)



RESTRICTED

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**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 2 of 5

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

RESTRICTED
10



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

This application to review relates to the following licensing objective(s)

Select one or more boxes

- 1) The prevention of crime and disorder [X]
2) Public safety []
3) The prevention of public nuisance []
4) The protection of children from harm []

Please state the grounds for review which must be based on one or more of the licensing objectives together with supporting information:

This review is brought by Hampshire Constabulary as a responsible authority under the Licensing Act 2003. On Saturday 16th August 2014, Immigration Officers attended Jarna Tandoori Restaurant in New Milton where they identified six males at the premises who were found to be immigration offenders. Three of the males were arrested and at the time of writing are being held in the Immigration Removal Centre pending removal from the U.K. The other three although not detainable were escorted off the premises as they had no right to work in the U.K.

The Amended Guidance issued under Section 182 of the Licensing Act 2003 states at paragraphs 11.27 and 11.28:

“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the licensed premises: for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person’s leave to enter. It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

Jarna Tandoori Restaurant operates under the authority of a premises licence granted by New Forest District Council issued on 14th July 2010 with Mr Anwar Hussain and Mr Nur Ali listed as joint premises licence holders. Mr Hussain is also listed as the designated premises supervisor (DPS). As the ‘Amended Guidance issued under Section 182 of the Licensing Act 2013’ states that the DPS “will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder”, it is felt that Mr Hussain has seriously undermined the licensing objective ‘the prevention of crime and disorder’ by allowing immigration offenders to work at the venue in his capacity as both a premises licence holder and designated premises supervisor. In employing illegal workers it undercuts honest employers, defrauds the taxpayer and exploits some of societies most vulnerable people. In the process this also cuts the amount of jobs available to legitimate



**Application for the review of / Representation in respect of a
Premises licence or Club Premises certificate
under the Licensing Act 2003**

Page 4 of 5

job seekers. The seriousness of the offence is highlighted by the severe penalties that can be imposed of up to £20,000 per illegal worker. This was not just one illegally employed worker but six and on that basis Hampshire Constabulary seek revocation of the premises licence.

The evidence to support this review is as follows:

A statement has been provided by Immigration Officer Pleydell. He was an arresting officer during the visit to the restaurant of three suspected employees and interviewed a male who identified himself as the chef. In the short interview he held with the chef, he advised Pleydell that he received £300 cash in hand for his work and had shown a counterfeit document in order to get the job. He admitted to paying £100 for the counterfeit document off a friend, which was a photocopied passport so obviously forged that is not credible the DPS Hussain could accept it as genuine.

Immigration officer Stone provides a statement detailing the interviews held with three immigration offenders. The first was found in the kitchen cooking curry and wearing an apron. He advised he was not paid to work in the premises but received free accommodation and food for "helping out in the kitchen".

The second immigration offender first stated that he had been waiting three days to see Mr Hussain before admitting that he helped out in the kitchen and got free food and accommodation for doing so.

A third immigration offender also admitted to receiving free food and accommodation if he helped out when needed. He did this by unloading deliveries whenever Mr Hussein requested. This male insisted that he was not working despite his admissions and being located in the kitchen wearing an apron.

Immigration Officer Newcomb provides a statement detailing what he saw when he first entered the restaurant. One male was stood behind the bar cleaning glasses and another was smartly dressed in a shirt and tie stood between tables in the centre of the restaurant. As Newcomb approached this male he said "Good evening, can I help you?" Once Newcomb identified himself as an immigration officer the male became very nervous and stated "I'm not working" and claimed to be waiting for a takeaway. Whilst dealing with the immigration offenders the manager is said to arrive and attempted to remove an apron being worn by one of the six males that were located in the kitchen. An immigration officer retrieved this and asked the male to put it back on. Another male then arrived who claimed to be the managers nephew. Newcomb states that from the moment this male arrived he was abrasive and aggressive and so much so he felt it necessary to request for police assistance. Thankfully, shortly after police arrival Newcomb advised he was able to release the officers and he served the warrant on the manager Hussain.

It is evident from the evidence provided by the Immigration Officers that Mr Hussain was fully aware he was employing illegal immigrants or workers who had no right to work in the U.K. It is clear that the immigration offenders were provided with Mr Hussain's name and address knowing they would receive food and accommodation in return for work. It is



Application for the review of / Representation in respect of a Premises licence or Club Premises certificate under the Licensing Act 2003

unlikely that Mr Hussain works alone in facilitating and exploiting illegal immigrants and is likely to be part of a larger network. The police have considered measures which could be added to the licence, but cannot consider any suitable in preventing criminal offences such as these. The only way to stop businesses such as The Jarna Restaurant from exploiting vulnerable people within our society is by revoking their premises licence.

Have you made an application for review relating to these premises before: [] Yes | [X] No

If yes please state the date of that application: / / Day Month Year

If you have made representations before relating to this premises please state what they were

Please tick

- [X] I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
[X] I have sent a copy of this representation to the principal licensing officer of Council

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application

Signature of Officer Completing

Name PC HARRIS Collar Number: 24288
Signature: Date: 09/09/14

Signature of Authorising Officer (Inspector or above)

Name Inspector 2841 Justin ROBERTS Collar Number: 2841
Signature: Date: 11/09/14

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: David James Newcomb

Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: Immigration Officer 9080

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date: 19/08/2014

I am an Immigration Officer based at the South Central ICE team in Portsmouth. On Saturday 16/08/2014, I went to Jarna Indian Restaurant, 1 Old Green Parade, New Milton, Hampshire BH25 6QA as part of an intelligence led enforcement visit. On arrival our team entered the premises at 1740hrs gaining entry with a magistrates warrant. I was the Officer in charge of this visit.

At 1740 I entered the premises through the front door; with three other Officers from my team. IO PLEYDELL, IO KEMP, AIO BROWN. Immediately upon entry, I noticed two males, One was stood to my left behind the bar cleaning a glass. Another, who I now know to be _____, was stood between tables in the centre of the restaurant. _____ was wearing dark coloured trousers, a dark grey shirt and a tie. The restaurant was empty besides these two persons. There was no food or drinks on any of the tables. As I walked towards him, he smiled and said "Good evening, can I help you?" I replied that I was an Immigration Officer from South Central ICE. _____ immediately became very nervous and stated "I'm not working". I asked _____ what he was doing there if he wasn't working. He replied "I'm waiting for a takeaway" I asked _____ what he had ordered. He answered "I haven't ordered anything" At this point PLEYDELL & KEMP came back through into the main dining area of the restaurant with approximately six other males that they had encountered in the kitchen. Along with two other Immigration officers who had been waiting at the rear; IO ROD and IO STONE. Shortly after this the manager arrived and attempted to remove a black apron being worn by one of the males brought through from the kitchen. PLEYDELL retrieved this and asked the male to put it back on. Approximately 1845hrs a male entered the restaurant, claiming to be the manager's nephew. From the moment he entered, he was abrasive and aggressive. At this time I felt that the overall mood within the restaurant was becoming more hostile and so at 1855 I called Police Control to request Police assistance. At 1905 Police arrived and I spoke to PC WILLIAMS 22106 of

Hampshire Police and explained the situation. Following this, WILLIAMS and three other PCSO's remained outside the restaurant. The effect of the Police presence was immediate and the situation with the restaurant improved significantly. At approx 1920hrs, I stood the Police officers down. All further events are as outlined in the PSB. At 2030, I gave the completed warrant to the manager, Mohammed Anwar HUSSEIN along with a Referral Notice and a copy of the PSB. At 2035 my team left the premises IO 9080

Signature:..... Signature witnessed by:

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of **Trevor Stuart Pleydell**..... URN: | | |
Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Immigration Officer**.....

This statement (consisting of; **2**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **18/08/2014**

Tick if witness evidence is visually recorded

On Saturday 16th August 2013, I went to Jarna Indian Restaurant, 1 Old Green Parade, Christchurch Road, new Milton, Hampshire, BH25 6QA together with Immigration staff all their names are recorded in the premises search book.

My function was Arrest officer and was to identify and interview those persons encountered. I entered the front of the premises via the main entrance and proceeded directly to the rear kitchen area where I encountered several males of Asian origin working in the kitchen. Once all were sat in a sterile area I began to question 6 males.

At 18.59 I was instructed by IO NEWCOMB the officer in charge to interview one of those encountered in the kitchen who I then knew to be who was a person without any permission to work in the U.K. This interview was recorded verbatim in Pocket Notebook serial number 14797 on pages 77-78 whilst was under caution +2 and was as follows:-

Q. What do you do here at Jarna?

A. I am the chef.

Q. How long chef here for?

A. One month.

Q. Who gave you the job?

A. Brick Lane job centre.

Q. How much do you get paid?

A. £300 cash in hand.

Q. Did you show any documents?

9:58 AM

Signature: Signature witnessed by: Self.....

16

Continuation of Statement of **Trevor Stuart Pleydell**

A. I showed the documents I got from my friend for £100.

Q. Does the boss know that they are counterfeit?

A. I don't know.

Q. Do you get a room upstairs and food?

A. Yes I do its all good.

Q. You know you can not work?

A. Yes I know.

Once I had completed this interview I escorted off from the premises.

At 20.00hrs I arrested three other suspected employees who I knew to be

..... and before leaving the premises at 20.40hrs.

Signature: Signature witnessed by: Self

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: Alexandra Stone

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Assistant Immigration Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... (witness) Date: 19/08/2014

I am employed by the Home Office as an Immigration Officer based in the South Central ICE, Arrest Team.

On Saturday 16TH August 2014 at approx 17:42 I attended an Intelligence led enforcement visit to the address of, JARNA INDIAN RESTAURANT, 1 OLD GREEN PARADE, CHRISTCHURCH ROAD, NEW MILTON, BH25 6QA, together with other Immigration Officers, all their names are recorded in the premises search book. I had the role of arrest officer.

On entry to the premises, I conducted status checks on two males. One male who I now know to be _____, was wearing a black apron. One male who I know now to be _____ was dressed in black shoes, black trousers, grey shirt and a tie.

At 18:43 I conducted a caution plus 2 interview with _____, this interview was conducted in English and is recorded in my notebook, number 000074, pages 10-12.

Q1 – Can you confirm your Details, as above?

A1 – Yes

Q2 – How long have you been working here? At Jarna?

A2 – I'm not really working here, I've come to visit the boss.

Q3 –What's the bosses name?

A3 – I don't know his name, only know him as the boss

Q4 –What are you doing here today?

A4 –To make curry. If they are busy, Im going to help. Im just helping out. Im not come here to work. Ive come to look at the village.

Q5 –When we arrived you were in the kitchen?

A5 – Yes, I was here making curry in a big pot for everyone.

Q6 –How many people work in the kitchen?

A6 –I don't know.

Q7 –Where are you staying tonight?

A7 – Upstairs

Q8 –Do you get paid for helping out in kitchen?

A8 – No

Q9 – They give you no money?

A9 – But give free food and a place to stay.

Q10 – Why are you wearing an apron?

A10 – Kitchen rules, if I make food I have to wear an apron, its health and safety.

Q11 – How long have you been here?

A11 – Since Thursday?

Q12 – When are you going back to London?

A12 – Monday

Q13 – How often do you come here?

A13 – Came here a few weeks ago.

I concluded the interview at 18:59 and

signed my notebook to the effect that he confirmed that everything he had said was the truth.

At 19:21 I conducted a caution plus 2 interview with

this interview was conducted in English and is recorded in my notebook, number 000074, pages 13-15.

Q1 – Can you confirm you Identity

A1 – As above

Q2 – What are you doing at Jarna?

A2 – Ive come to see Husain, he is from Bangladesh, he knows my parents, I wanted to know about them, He came back from Bangladesh.

Q3 – Do you work here?

A3 – No

Q4 – Do you help out?

A4 – No I was just standing waiting for Husain.

Q5 – Where are you staying tonight?

A5 – Going back to London.

Q6 – When did you come here?

A6 – 13th August

Q7 – What have you been doing for 3 days?

Q7 – Waiting to see Husain.

Q8 – Where have you stayed?

A8 – At Husain's guest house.

Q9 – Does Husain give you money? Does he give you food and accommodation?

A9 – Yes, I help out and I get food and can stay. Just for three days though.

I concluded the interview at 19:33 and ' , signed my notebook to the effect that he confirmed that everything he had said was the truth.

At 19:44 I conducted a caution plus 2 interview with . XXX, this interview was conducted via a Bigword interpreter in Bengali and is recorded in my notebook, number 000074, pages 15-18.

Q1 – Confirm Identity?

A1 – , STATELESS

Q2 – What is he doing at the Jarna?

A2 – Come to stay, not anywhere else to stay.

Q3 – Do you work here?

A3 – No I Don't work here, I came to see him.

Q4 – Who is him?

A4 – The owner, Husain.

Q5 – Do you get given food and accommodation by Mr Husain?

A5 – Yes, I can stay and I get food but I do not work.

Q6 – What do you do in return for food and accommodation?

A6 – He never asked me to do anything.

Q7 – Do you live here?

A7 – Yes I live upstairs.

Q8 – How long have you lived upstairs?

A8 – 10-12 days.

Q9 – And you don't need to do anything in return for the free food and bed?

A9 – Sometimes if they need I help out.

Q10 – What do you do to help out?

A10 – I help out with unloading deliveries. Mr Husian asks me.

Q11 – Are you meant to report?

A11 – No I don't know, ask my solicitor.

Q12 – How long are you going to live here?

A12 – For next few days, I have no fixed abode.

Q13 – You know you are not allowed to work, being in the kitchen on a Saturday night in a restaurant looks like you are working?

A13 – I was in the kitchen with an apron on, but I wasn't working.

Q13 – Why did you have an apron on?

A14 – I didn't have an apron on, I wasn't working.

I concluded the interview at 20:25 and XXX, signed my notebook to the effect that he confirmed that everything he had said was the truth.

At 20:29 I was stood down by the OIC and left the premises.

Signature:..... Signature witnessed by:

HOME OFFICE

AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003

OCTOBER 2014

REVIEWS

Powers of a licensing authority on the determination of a review

11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- Exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- Remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- Suspend the licence for a period not exceeding three months;
- Revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;

- For the sale and distribution of illegal firearms;
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- For the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- For prostitution or the sale of unlawful pornography;
- By organised groups of paedophiles to groom children;
- As the base for the organisation of criminal activity, particularly by gangs;
- For the organisation of racist activity or the promotion of racist attacks;
- For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- For unlawful gambling; and
- For the sale of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.